

# **PROPERTY MAINTENANCE**

## **Chapter 955 BOARDING - ABANDONED VACANT BUILDING**

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#### **Article 1 SHORT TITLE**

##### **955.1.1 Citation**

This short title for this Chapter shall be the "Boarding By-law."

#### **Article 2 INTERPRETATION**

##### **955.2.1 Abandoned building - defined**

"abandoned building" means any building or structure that is not occupied and that, by reason of its unfinished or dilapidated condition, is open to the elements or is in a state such that there is no control over unauthorized entry to the building or structure.

##### **955.2.2 Building - defined**

"building" means a structure whether temporary or permanent, used or built for the shelter, accommodation, or enclosure of persons, animals, materials or equipment. By-law 92-92, 21 April, 1992.

**955.2.3 By-law enforcement officer - defined**

“by-law enforcement officer” means that person duly appointed by the Commissioner of Planning and Development of the Town as a by-law enforcement officer for the Town. By-law 145-08, 14 July, 2008.

**955.2.4 Council - defined**

“Council” means the Council of The Corporation of the Town of Richmond Hill.

**955.2.5 Owner - defined**

“owner” means the owner of a building and shall include the person for the time being managing or receiving the rent of the land or the building in connection with which the word is used, whether on his or her own account or as agent or trustee of any other person or who would so receive the rent if the building were let, or a vendor of the building under an agreement for sale who has paid any municipal taxes thereon after the effective date of the agreement or the person for the time being receiving instalments of the purchase price if the building were sold under an agreement for sale, and shall also include a lessee or occupant of the property who, under the terms of a lease, is required to repair and maintain the property in accordance with the standards for the maintenance and occupancy of property.

**955.2.6 Person - defined**

“person” means an individual, association, firm, corporation, trust, incorporated company, corporation created under the *Condominium Act, 1998*, organization trustee or agent, and the heirs, executors or other legal representatives of a person to whom the context can apply according to law.

**955.2.7 Singular - plural - shall - mandatory**

Words in the present tense include the future; words in the singular number include the plural; words in the plural include the singular number; the word “used” includes “arranged, designed or intended to be used;” the word “shall” is mandatory and not directory.

**955.2.8 Structure - defined**

“structure” means anything that is erected, built or constructed of parts joined together and attached or fixed permanently to the ground or to any other structure.

**955.2.9 Town - defined**

“Town” means The Corporation of the Town of Richmond Hill.

### **Article 3 GENERAL PROVISIONS**

**955.3.1 Application - all land within Town**

The provisions of this Chapter apply to all land within the Town.

**955.3.2 Provisions - held to be minimum requirements**

In interpreting and applying the provisions of this Chapter, the provisions shall be held to be the minimum requirements for the promotion of health, safety, convenience and general welfare of the inhabitants of the Town.

**955.3.3 Defined terms**

The definitions found in Article 2 shall prevail over any other definitions.

**955.3.4 Administration - enforcement**

This Chapter shall be administered and enforced by the by-law enforcement officer or other such person as Council shall designate.

**955.3.5 Building Code Act - applicable**

Nothing in this Chapter shall be deemed to grant relief from the requirements of the *Building Code Act, 1992*, as amended, and Ontario Building Code, O. Reg. 350/06, as amended.

**955.3.6 Abandoned building - boarded - prevention of entry**

The owner of an abandoned building shall board up the abandoned building to the satisfaction of the by-law enforcement officer by covering all openings through which entry can be obtained with colour coordinated plywood or other similar suitable material that will withstand the weather and prevent entry of persons, and is securely fastened and flush with the abutting edge of the wall.

**955.3.7 Notice - to board up - to land owner**

Upon discovery of an abandoned building which is not boarded up pursuant to Section 955.3.6 the by-law enforcement officer shall issue a notice by personal service or prepaid registered mail to the owner thereof as shown in the last assessment role of the Town, and by posting a copy of such notice on the building or structure. The mailing of a notice shall be deemed to have been duly served seven days after it has been sent by registered mail.

**955.3.8 Notice served - compliance within ten days**

Notice shall require the owner to board up an abandoned building on the property to the satisfaction of the by-law enforcement officer within ten days after the mailing of such notice.

**955.3.9 Notice - issued - non compliance - remedy by Town**

Where a notice has been served pursuant to Section 955.3.7 and the requirements of the notice have not been complied with, the by-law enforcement officer shall cause to be boarded up the abandoned building at the expense of the owner.

**955.3.10 Remedy - by Town - owner expense**

The owner of the property shall be invoiced by prepaid registered mail for all expenses incurred by the Town in boarding up the abandoned building as described in Section 955.3.9.

**955.3.11 Non-payment - recovery - as taxes**

If the invoice issued pursuant to Section 955.3.10 remains unpaid 30 days after its mailing, the Town may recover all expenses incurred by placing such expense on the assessment rolls to be recovered in the same manner as municipal taxes, as provided for in section 326 of the *Municipal Act*, R.S.O. 1990, c. M.45.

**Article 4  
ENFORCEMENT****955.4.1 Fine - for contravention**

Every person who contravenes any of the provisions of this Chapter is guilty of an offence; and any person convicted of a breach of any of the provisions of this Chapter in addition to any other penalty, shall forfeit and pay at the discretion of the presiding justice, a penalty not exceeding (exclusive of costs) the sum of \$5000 for each offence, recoverable under the *Provincial Offences Act* for the Province of Ontario. By-law 92-92, 21 April, 1992.

## BOARDING

### SCHEDULE

#### **Schedule 'A' - Explanatory note - By-law 92-92**

By-law No. 92-92, the "Boarding By-law", affects all land within the Town of Richmond Hill. By-law No. 92-92 was initiated to discourage the vandalism of vacant heritage buildings, however, this Chapter can also apply to other vacant ("abandoned") buildings within the Town. The Boarding By-law gives the Town discretion to require that "abandoned" buildings be boarded up (refer to Interpretation). The abandoned building does not have to be in a dilapidated state in order to need to be boarded up - it can be open to public entry. The Boarding By-law outlines a notification procedure, and gives the Town the authority to board up the building at the owner's expense.